

## OVERVIEW of the Daf

### 1) Clarifying the Mishnah

The Gemara notes that in our Mishnah the man speaks to his friend whereas in an earlier Mishnah he speaks to his agent.

The reason the agent is described with the chosen term in each Mishnah is explained.

Three related incidents are presented.

### 2) Kiddushin after thirty days

The Mishnah spoke of a case where a man offered kiddushin to a woman which would be effective only after thirty days, and someone else offered her kiddushin during that thirty days. The Gemara wonders about the status of the kiddushin if another did not offer her kiddushin during the thirty days.

Rav and Shmuel assume that the kiddushin is valid even if the money has already been spent.

The rationale behind this ruling is explained.

The Gemara wonders whether the woman can retract her consent before the thirty days have passed.

R' Yochanan asserts that she can retract whereas Reish Lakish asserts that she may not retract.

Two unsuccessful challenges to Reish Lakish are presented.

R' Yochanan's position is unsuccessfully challenged.

R' Zevid maintains that the dispute between R' Yochanan and Reish Lakish relates to the question of whether a woman can revoke the authority she gave to an agent to act on her behalf.

R' Yochanan unsuccessfully challenges Reish Lakish's opinion.

Reish Lakish unsuccessfully challenges R' Yochanan's position.

R' Yochanan successfully challenges Reish Lakish's position and the Gemara rules like R' Yochanan in both disputes.

A contradiction is noted because the Gemara here rules like R' Yochanan and yet the Gemara also rules like R' Nachman who seems to disagree with R' Yochanan.

The Gemara resolves the contradiction.

### 3) Accepting kiddushin from another within the thirty days

Rav and Shmuel disagree whether the kiddushin with the second fellow is forever or just until the thirtieth day arrives.

Shmuel's position that the second man's kiddushin is valid

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## Gemara GEM

*Snatching a purchase from a poor man attempting to buy it*

עני המהפך בחררה ובא אחר ונטלה הימנו נקרא רשע

The Mishnah at the beginning of the perek (58b) described an agent who was sent to deliver kiddushin to a woman. However, the agent acted deceitfully and betrothed the woman for himself.

In a related story, our Gemara tells the story of Rav Gidel who was pursuing a certain purchase of a land, when Rebbe Abba went and bought it first. This seems to be a case of עני המהפך בחררה—where a poor person is trying to procure a piece of bread, about which we say that anyone who snatches it away from him is acting in an evil manner. When R' Abba was confronted by R' Zeira and asked why he had undermined the efforts of R' Gidel, R' Abba pointed out that he had no knowledge that R' Gidel was trying to buy the field first. The end of the story was that R' Abba was willing to give the field to R' Gidel, but not to sell it to him, but R' Gidel refused to take it as a gift. Finally, both refused to take the field, and it was left ownerless for the students to use.

ר"ן learns that the halacha not to procure an object which is actively being sought by another man (עני) actually applies only when the one seeking the object is a poor man, one who would be lacking without this item. However, if the person pursuing the purchase is a wealthy man, anyone who snatches the opportunity to buy it first is not to be called a רשע. Rema rules according to ר"ן (C.M. 237:1). Meiri adds that even if the one pursuing an item to acquire it is wealthy, anyone who advances and takes it before him is acting deceitfully.

ר"ן notes that the incident related in the Gemara about R' Gidel and R' Abba did not feature anyone who was poor, but nevertheless the halacha applies here, as well, as it is speaking about a case of land. The nature of purchase of land is that it is not available anywhere but in its precise location, so it has the law of snatching from someone who will be lacking without it (עני). ■

## REVIEW and Remember

1. Why did R' Gidal refuse to take the land that he was authorized to take?
2. In what way does thought make utensils susceptible to tumah?
3. Does one statement have the capacity to nullify another statement?
4. What is the dispute between R' Nachman and R' Sheishes?

# HALACHAH Highlight

## Inflating bids on aliyahs

אמר ליה עני מהפך בחררה ובא אחר ונטלה הימנו מאי אמר ליה נקרא רשע

He asked him, "If a poor man is searching for a cake and another person comes along and takes it from him what is the halacha?" He answered, "He is called wicked."

There was once a fellow who had the practice of bidding for honors that were auctioned off in shul in order to raise more funds for the shul. For example, when there was a choson who wanted an aliyah or a man whose wife was in her ninth month of pregnancy who wanted the segulah of opening the Aron Hakodesh this man would get into a bidding war for that honor in order to generate more funds for the shul. When it would turn out that he submitted the highest bid he had an arrangement with the gabbai that he would only pay half the amount of the final bid. Since people were disturbed that this fellow was forcing them to pay more money for the honors they sought and that when he would win the auction he would pay only half of what he bid they decided to turn to Gaon Chida<sup>1</sup> for a ruling about the satisfactoriness of this matter.

Gaon Chida responded that since this person had no intention to actually purchase the honor for which he is bidding, although he would pay some money when he did end up with the highest bid, it was considered deceitful and improper to submit the higher bid so that someone else will have to bid even higher to purchase the honor that he seeks. This is included in the ruling of Shulchan Aruch<sup>2</sup> that prohibits any sort of

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only until the thirtieth day is challenged.

R' Yosef notes that the difficulty arises because it was assumed that Rav and Shmuel disagree about the ruling of the first part of the Mishnah but R' Yehudah maintains that the dispute was related to the latter part of the Mishnah and accordingly there is no question.

The Gemara elaborates on the point of the dispute if it relates to the end of the Mishnah.

It is noted that the dispute between Rav and Shmuel is a dispute between Tannaim.

The Gemara explains why Rav and Shmuel did not simply express their positions as following the earlier positions of the Tannaim.

Abaye begins to develop an application of Rav's ruling. ■

deceit or גניבת דעת in a business transaction and bidding so that someone else will be forced to spend more money is certainly deceit and גניבת דעת. Furthermore, the Gemara Bava Basra presents an exposition that teaches that Hashem will punish those who press others into giving tzedaka. Although the exposition primarily addresses those who take collateral to force others to give tzedaka, nonetheless, any sort of pressure regarding giving tzedaka is encompassed by this exposition, including improperly bidding for honors in the Beis Haknesses. In conclusion, he advises this person to refrain from bidding on honors in the future unless he sincerely intends to purchase them. ■

1. שו"ת יוסף אומץ סי' נ"ז.

2. שו"ת חו"מ סי' רכ"ח. ■

# STORIES Off the Daf

## Action overrides thought

"מעשה מוציא מיד...מחשבה"

It is interesting to study the deep thought the gedolim put into their every action so that their every move would be in precise accordance with the Torah's dictates.

Rav Raphael of Barshad, zt"l, was a very well known and respected personage, but this did not make him feel any arrogance at all. On the contrary, his every motion was filled with true humility. Every time he would enter a shul or gathering, he would sit in a common seat that was very distant from the covet-

ed eastern wall.

One person felt that this was very strange and decided to ask him what was behind this odd practice. "With all due respect, I cannot fathom what is behind the rebbe's custom. Either way—if the Rebbe sits in the back because he has true humility, why not sit in the front? Surely, one can retain a feeling of broken-heartedness even while sitting in an honorable seat. And if the rebbe has problems with thoughts of arrogance, chas v'shalom, what does sitting in the back help? Clearly it is possible to be filled with self-inflated feelings while sitting in the back as well as in the front. On the contrary, it is possible to fathom how one would be filled with more thoughts of arrogance because he acts

humble..."

Rav Raphael replied, "Listen to me, my brothers. In Kiddushin 59 we find that although action nullifies the intent in one's thoughts, mere thoughts cannot nullify action. If I, who am unworthy for the honor, were to sit in the mizrach, I would be doing an action of arrogance while trying to overcome this with thoughts of humility. But we see that this is an exercise in futility. However, sitting in the back is an action of humility which overcomes any thoughts of arrogance. Isn't it clear that this is the only option that gives me a chance of overcoming thoughts of arrogance?"<sup>1</sup> ■

1. שלחן הטהור, דף ל"ב